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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,889	04/19/2001	Umesh Bhavsar	1454.1049RAG	7435
21171	7590	12/02/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			SALAD, ABDULLAHI ELMI	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/807,889

Applicant(s)

BHAVSAR ET AL.

Examiner

Salad E Abdullahi

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/28/2008</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been reviewed. Original claims 10-18 are pending. The rejection cited stated below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 10-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Bixby et al. U.S. Patent No. 5,317,568[hereinafter Bixby].

As to claim 10, Bixby discloses network architecture of telecommunications networks, each including at least one subjacent physical network, comprising:

network element of the telecommunications networks for provision of network functions and network services of the at least one subjacent physical network, service provision of the at least one subjacent physical network being guaranteed for at least one user (see the abstract , fig. 1, col. 3, lines 17-60);and
distribution of physical resources of the at least one subjacent physical network and provision of existing services being possible in such a way that the data and telecommunications services associated with the individual users can be processed and used independently and efficiently (see col. 3, lines 25-60);and

Art Unit: 2157

an additional layer (a communications manager) of network elements between the subjacent physical networks, including system-independent interfaces using uniform logical interface to make available network functions of different subjacent physical sub-networks (see col. 3, lines 25-49).

As per claim 11 Bixby discloses the architecture as claimed in claim 10, wherein control of the network functions of the different subjacent physical sub-networks is taken over by a distributed operating system (see col. 3, lines 16-24 and col. 8, lines 10-44).

As per claim 12, Bixby discloses the architecture as claimed in claim 11, wherein the uniform logical interface also provides function invocations for function classes, which are converted into at least one of sub-network-specific messages and commands and are forwarded to suitable network element of the different subjacent physical sub-network, and can be processed or carried out there (see col. 11, lines 27-45).

As per claim 13, Bixby discloses the architecture as claimed in claim 12, wherein dynamic integration of new network elements is enabled by a new network element registering network element information with a previously registered network element, which stores the network element information and further distributes the network element information to other network elements (see col. 3, lines 42-60).

Art Unit: 2157

As per claim 14, Bixby discloses the architecture as claimed in claim 13, wherein the dynamic integration of new interfaces of already existing network elements is enabled by one of the existing network elements registering new function information with a suitable different network element, which stores the new function information and further distributes the new function information to other network elements (see col. 3, lines 42-60 and col. 30, lines 41-62).

As per claim 15, Bixby discloses the architecture as claimed in claim 14, wherein identical or similar functions exist which are distributed among a plurality of the network elements (network nodes) (col. 30, lines 41-62).


As per claim 16, Bixby discloses the architecture as claimed claim 15, wherein the selection of a function used for a function invocation is made on a specific network node depending on utilization of concerned network nodes (col. 30, lines 41-62).

As per claim 17, Bixby discloses the architecture as claimed in claim 16, wherein the function used in a function invocation can be carried out when distributed among a plurality of the concerned network nodes (col. 30, lines 41-62).

As per claim 18, Bixby discloses the architecture as claimed in claim 17, wherein frequently used basic services are available and can be used in all network nodes (see col. 17, lines 40-48).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Abdullahi Salad
Examiner AU 2157
11/28/2004